

Plaintiff's Name PRENTICE R. THOMAS

Inmate No. 1202598 / 2225682

Address P.O. Box 872 Fresno

CALIFORNIA 93712

**FILED**

JAN 05 2023

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY smc  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PRENTICE RAY THOMAS

(Name of Plaintiff)

1:22-cv-01492-BAM

(Case Number)

vs.

PRENTICE RAY THOMAS

**AMENDED CIVIL RIGHTS COMPLAINT UNDER:**

☒ 42 U.S.C. 1983 (State Prisoner)

☐ Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

FILE

**RECEIVED**

JAN 05 2023

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY smc DEPUTY CLERK

FRESNO POLICE DEPARTMENT

COMMUNITY REGIONAL MED CENTER  
(Names of all Defendants)

**I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):**

A. Have you brought any other lawsuits while a prisoner? Yes \_\_\_ No ✓

B. If your answer to A is yes, how many? \_\_\_\_\_

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

**1. Parties to this previous lawsuit:**

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

**2. Court (if Federal Court, give name of District; if State Court, give name of County)**

**3. Docket Number** \_\_\_\_\_ **4. Assigned Judge** \_\_\_\_\_

**5. Disposition (Was the case dismissed? Appealed? Is it still pending?)**

B. Name JUSTIN GARCIA (P1019) is employed as AN OFFICER OF FRESNO POLICE DEPARTMENT

Current Address/Place of Employment 2323 MARIPOSA ST, FRESNO, CA. 93721

C. Name ADRIANA PONCE (P1716) is employed as AN OFFICER OF FRESNO POLICE DEPARTMENT

Current Address/Place of Employment 2323 MARIPOSA ST, FRESNO, CA. 93721

D. Name Lily HITCHNER is employed as A Medical Doctor @ C.R.M.C.

Current Address/Place of Employment 2823 FRESNO ST, FRESNO, CA. 93721

E. Name \_\_\_\_\_ is employed as \_\_\_\_\_

Current Address/Place of Employment \_\_\_\_\_

IV. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

Right to Adequate Medical Care, Freedom from  
Cruel and Unusual Punishment, Gross Negligence  
Causing Severe Injury, Medical Malpractice.

Supporting Facts (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

ON 08.30.22 Lily HITCHNER A M.D. @ C.R.M.C.  
WAS WORKING IN THE EMERGENCY ROOM, WHEN I  
PRENTICE THOMAS WAS TRANSPORTED IN CUSTODY BY  
FRESNO P.D. OFFICERS JUSTIN GARCIA P1019 AND ADRIANA  
PONCE P1716 FOR MEDICAL EVALUATION FOR CHEST PAIN  
AND OTHER INJURIES SUSTAINED DURING ARREST AND TRANSPORT.  
Lily Hitach ADMINISTERED A LETHAL DOSE OF NITRO GLYCERIN

WHICH HAVING NO MEDICAL HISTORY OR PRIOR CONTACT WITH MYSELF WAS NEGLIGENT IN HER DIAGNOSIS / ADMINISTRATION OF THE NITROGLYCERIN. OFFICER GARCIA AND OFFICER PONCE HINDERED MY MEDICAL EVALUATION AND PROPER DIAGNOSIS AND IMMEDIATELY TRANSPORTED ME TO FRESNO COUNTY JAIL WHERE FRESNO COUNTY SHERIFF DEPUTIES FOUND ME UNRESPONSIVE IN A HOLDING CELL. I WAS THEN RE-TRANSPORTED BACK TO C.R.M.C. AND ADMITTED TO THE HOSPITAL WHERE MS. HITCHNER FAILED TO DISCLOSE HER ADMINISTERING OF A NITROGLYCERIN WHICH CONTRIBUTED TO MY BEING FOUND UNRESPONSIVE IN A HOLDING CELL.

**Claim 2:** The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

ACCESS TO ADEQUATE MEDICAL CARE, FREEDOM FROM CRUEL AND UNUSUAL PUNISHMENT.

**Supporting Facts** (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

OFFICER JUSTIN GARCIA (P2019) OF FRESNO P.D. ALONG WITH OFFICER ADRIANA PONCE (P1716) HINDERED MY MEDICAL EVALUATION BY NOT ALLOWING ME TO COMMUNICATE WITH MEDICAL STAFF AND BY BEING HOSTILE TOWARD THE MEDICAL STAFF RUDE, AND UNPROFESSIONAL, CAUSING CRUEL AND UNUSUAL PUNISHMENT IN THE FORM OF RETALIATION / REPRISAL IN THE ADMINISTERING OF A NITROGLYCERIN. DEFECTION OF DUTIES CAUSING SEVERE INJURY.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

BECAUSE OF THE DIRECT HARMFUL LEVEL OF CARE By Lily  
HITCHNER PLAINTIFF IS SEEKING A JUDGEMENT OF  
ONE MILLION DOLLARS \$1,000,000  
FOR OFFICERS VIOLATION OF MY CIVIL RIGHTS PLAINTIFF IS ALSO  
SEEKING A JUDGEMENT OF ONE MILLION DOLLARS \$1,000,000.  
\*PLEASE NOTE PLAINTIFF IS A DETAINEE IN FRESNO COUNTY JAIL...

I declare under penalty of perjury that the foregoing is true and correct.

Date: 12-27-22

Signature of Plaintiff: Prentice R. Thomas

## II. Exhaustion of Administrative Remedies

**NOTICE:** Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes ✓ No \_\_\_\_\_

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes \_\_\_\_\_ No ✓

C. Is the process completed?

Yes ✓ If your answer is yes, briefly explain what happened at each level.

PRO SE PRENTICE HAS FILED AN COMPLAINT WITH THE DEPARTMENT  
OF PUBLIC HEALTH FOR THE ACTION OF C.R.M.C CASE # CA-  
008 08845

AND FOR THE ACTION OF THE FRESNO POLICE DEPARTMENT  
A COMPLAINT HAS BE FILED WITH INTERNAL AFFAIRS IA# 2022-0103

No \_\_\_\_\_ If your answer is no, explain why not.

## III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name COMMUNITY REGIONAL med is employed as C.R.M.C.

Current Address/Place of Employment 2823 FRESNO STREET FRESNO CA 93721